

REMARKS

Claim Status

Claims 1-2 are pending in the present application. No additional claims fee is believed to be due.

Independent claim 1 has been amended to include the features of a first incomplete image element printed on one of the pair of side panels, a second incomplete image element printed on another of the pair of side panels and a third incomplete image element printed on said first waist region of the article. Support for this amendment is found, *inter alia*, at page 25 lines 5-8 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a)

Claims 1 and 2 stand rejected has under 35 USC §103(a) for reasons of record at page 2-4 of the Office Action. Applicants submit that independent claim 1 has been amended to include the features of a first incomplete image element printed on one of the pair of side panels, a second incomplete image element printed on another of the pair of side panels and a third incomplete image element printed on said first waist region of the article. It is Applicants' position that this amendment overcomes the rejection.

The Office Action asserts that "Fidler teaches a closing mechanism that includes an adjustable image (col. 6, lines 50-58) that includes the image of a cartoon character as set forth in col. 8, lines 48-51)." The Office Action then asserts that "[i]t would have been obvious to one of ordinary skill in the art to substitute the visual image of Pozniak with the image taught by Fidler because Pozniak recognizes the use of various images (col. 10, lines 48-50) and the substitution of one type of visual element for another is within the level of ordinary skill in the art." Applicants respectfully disagree. Fidler discloses that "various patterns and configurations of the hook and/or loop members may be used to provide

different designs such as dots, stripes, shapes, swirls, cartoon characters, animals or animated scenes, for example.” (Col. 8, lines 48-51). As best understood by Applicants, Fidler explains that either the hook members, or the loop members or both the hook and loop members may be shaped to look like a cartoon character for example. But Fidler is silent with regard to providing a separate portions of a cartoon character on separate portions of the hook and/or loop members. It is Applicants’ position that one of ordinary skill in the art would have had no motivation to take a hook and/or loop patch shaped like a cartoon character and then add it or these to the article of Pozniak ‘543 such that each of the hook and/or loop members form the incomplete image of a cartoon character that is visible and complete when the side panels are secured to the first waist region and the first, second and third incomplete image elements together complete the cartoon character.

In addition, it is clear that Fidler does not teach or even remotely suggest a first incomplete image element printed on one of the pair of side panels, a second incomplete image element printed on another of the pair of side panels and a third incomplete image element printed on said first waist region of the article. As best understood by Applicants Fidler teaches shaping the hook and/or loop elements to form various design.

Consequently, it is Applicants’ position that the Office Action fails to establish a prima facie case of obviousness.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

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Reply to Office Action mailed on April 28, 2010
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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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